

1 1. (Currently Amended): A method for a network-device probe to negotiate a
2 common mode of communication between two nodes, comprising:
3 a) establishing a first communication path between the network-device probe and
4 a first node;
5 b) establishing a second communication path between the network-device probe
6 and a second mode; and
7 c) establishing a third communication path through the network-device probe,
8 the third communication path coupling the first and second communication
9 paths by establishing a point to point link between the first and second nodes
10 in order to provide a negotiated common mode of operation between the first
11 node and the second node, wherein the probe includes a bypass mode in which
12 data bypasses the probe and a pass through mode in which data is monitored
13 by the probe.

1 2. (canceled)

1 3. (Currently Amended): The method of claim 1, wherein establishing the first
2 communication path between the network-device probe and the first node comprises
3 negotiating a mode of operation with the first node.

1 4. (Currently Amended): The method of claim 3, wherein negotiating a mode of
2 operation with the first node comprises negotiating a speed of a transmission of data over
3 the first communication path between the network-device probe and the first node.

1 5. (Currently Amended): The method of claim 3, wherein negotiating a mode of
2 operation with the first node comprises negotiating one of half duplex and full duplex
3 communication over the first communication path between the network-device probe and
4 the first node.

1 6. (Currently Amended): The method of claim 3, wherein establishing a second
2 communication path between the network-device probe and the second node comprises
3 negotiating a mode of operation with the second node.

1 7. (Currently Amended): The method claim of 6, wherein establishing a third
2 communication path through the ~~network device~~ probe, the third communication path
3 coupling the first and second communication paths to provide a common mode of
4 operation between the first node and the second node, comprises:

5 comparing the mode of operation with the first node and the mode of operation
6 with the second node; and

7 selecting one of multiple communication paths through the ~~network devices~~ probe
8 as the third communication path that provides a common mode of operation between the
9 first node and the second node.

1 8. (Original): The method of claim 7, wherein the common mode of operation
2 between the first node and the second node is the best mode of operation available
3 between the first node and the second node.

1 9. (Currently Amended): A ~~network device~~ probe that negotiates a common
2 mode of communication between two nodes, comprising:

3 means for establishing a first communication path between the ~~network devices~~
4 probe and a first node;

5 means for establishing a second communication path between the ~~network device~~
6 probe and a second node; and

7 means for establishing a third communication path through the ~~network device~~
8 probe, the third communication path coupling the first and second communication paths
9 to provide a common mode of operation between the first node and the second node by
10 establishing a point to point link between the first and second nodes in order to provide a
11 negotiated common mode of operation between the first node and the second node,
12 wherein the probe includes a bypass mode in which data bypasses the probe and a pass
13 through mode in which data is monitored by the probe.

1 10. (Canceled)

1 11. (Currently Amended): An article of manufacture comprising a machine
2 readable medium having a plurality of machine readable instructions stored thereon,
3 wherein the instructions, when executed by a processor, cause the processor to:
4 a) establish a first communication path between ~~the network device~~ a probe and a
5 first node;
6 b) establish a second communication path between the ~~network device~~ probe and
7 a second node; and
8 c) establish a third communication path through the ~~network device~~ probe, the
9 third communication path coupling the first and second communication paths to ~~provide a~~
10 ~~common mode of operation between the first node and the second node by establishing a~~
11 point to point link between the first and second nodes in order to provide a negotiated
12 common mode of operation between the first node and the second node, wherein the
13 probe includes a bypass mode in which data bypasses the probe and a pass through mode
14 in which data is monitored by the probe.

1 12. (Canceled)

1 13. (Currently Amended): The article ~~or~~ of manufacture of claim 11, wherein the
2 instructions that cause a processor when executed to establish the first communication
3 path between the ~~network device~~ probe and the first node cause the processor when
4 executed to negotiate a mode of operation with the first node.

1 14. (Currently Amended): The article of manufacture of claim 13, wherein the
2 instructions that cause a processor when executed to negotiate a mode of operation with
3 the first node cause the processor when executed to negotiate a speed of a transmission of
4 data over the first communication path between the ~~network device~~ probe and the first
5 node.

1 15. (Currently Amended): The article of manufacture of claim 13, wherein the
2 instructions that cause the processor when executed to negotiate a mode of operation with
3 the first node cause the processor when executed to negotiate one of half duplex and full

4 duplex communication over the first communication path between the ~~network device~~
5 probe and the first node.

1 16. (Currently Amended): The article of manufacture of claim 13 wherein the
2 instructions that cause a processor when executed to establish a second communication
3 path between the ~~network device~~ probe and the second node cause the processor when
4 executed to negotiate a mode of operation with the second node.

AI 1 17. (Currently Amended): The article of manufacture of claim 16, wherein the
2 instructions that cause a processor when executed to establish a third communication path
3 through the ~~network device~~ probe, the third communication path coupling the first and
4 second communications paths to provide a common mode of operation between the first
5 node and the second node, cause the processor when executed to:

6 compare the mode of operation with the first node and the mode of operation with
7 the second node; and

8 select one of multiple communication paths through the ~~network device~~ probe as
9 the third communication path that provides a common mode of operation between the
10 first node and the second node.

1 18. (Original): The article of manufacture of claim 17, wherein the common
2 mode of operation between the first node and the second node is the best mode of
3 operation available between the first node and the second node.